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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/716,082 | 11/17/2003 | Keif M. Fitzgerald | ENDOV-66188 | 4869 |
| 24201 | 7590 | 11/02/2006 | EXAMINER | |
| FULWIDER PATTON 6060 CENTER DRIVE 10TH FLOOR LOS ANGELES, CA 90045 | | | MCCORKLE, MELISSA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3763 | |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|---------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/716,082 | Applicant(s) FITZGERALD ET AL. | |
| | Examiner Melissa A. McCorkle | Art Unit 3763 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 27-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04152004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Appeal Brief was received on 06/02/2006. However, upon further examination, the Final Rejection is being withdrawn and a new Non-Final Action on the merits follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-20 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,997,424 issued to Little. Little discloses an elongated catheter 12 member having a distal end and a proximal end, a catheter handle H secured to the elongated catheter member, and a platform 26 removably secured to the catheter handle. Little discloses device as above wherein the removable platform comprises protruding stabilizers 17, wherein the removable platform has a lower surface that is generally curved [col 2 line 62-65]; wherein the removable platform is slidably secured to the catheter handle [col 3 line 15+]; wherein the elongated catheter member includes an inner member 12b and an outer member 12a, wherein the catheter handle is slideable with respect to the outer member [col 3 line 15+]; wherein the catheter handle includes structure securing the catheter handle to the outer member 13; wherein the catheter handle further includes a cutter 22, the cutter configured within an interior

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of the catheter handle fig 1; wherein the cutter is slideable with respect to the catheter handle ; wherein the cutter is attached to the knob; wherein the cutter is slideable with respect to the outer member; wherein the cutter is configured to longitudinally dissect the outer member [col 4 lines 10-15.]

Allowable Subject Matter

4. Claims 27-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form **including all of the limitations of the base claim and any intervening claims.**

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Picou e al (US 6,524,304 B1) discloses an Apparatus and Method for Introducing One or More Branch Lines Into IV Tubing; Nordgren et al (5,643,297 A) discloses an Intra-Artery Obstruction Clearing Apparatus and Methods; Rashidi (2003/0109778) discloses an Electrophysiology/Ablation Catheter and Remote Actuator Therefor; Gardeski et al (6,159,198A) discloses an Introducer System.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. McCorkle whose telephone number is (571) 272-2773. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melissa A McCorkle
Examiner
Art Unit 3763



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